

**SANDPOINT CITY COUNCIL AGENDA REQUEST FORM**

Today's date: 11 / 22 / 23

Date of meeting 12 / 06 / 23

*(City Council meetings are held the 1<sup>st</sup> and 3<sup>rd</sup> Wednesday of each month.)*

Name of Citizen, Organization, Elected Official, or Department Head making request:

Amy Tweeten, City Planner

Address: 1123 Lake Street, Sandpoint, Idaho 83864

Phone number and email address: 208-255-1738 atweeten@sandpointidaho.gov

Authorized by: Jennifer Stapleton

*name of City official*

  
*City official's signature*

*(Department Heads, City Council members, and the Mayor are City officials.)*

\*Subject: Joint Public Hearing with IHD on the vacation of a portion of E. Mountain View Drive

Summary of what is being requested: A public hearing on the vacation of the western most 164.74FT of E. Mountain View Drive to Bonner County, the adjacent property owner.

**The following information MUST be completed before submitting your request to the City Clerk:**

1. Would there be any financial impact to the city? ☐ Yes ☒ No

If yes, in what way? \_\_\_\_\_

2. Name(s) of any individual(s) or group(s) that will be directly affected by this action:

Bonner County Airport

Adjacent property owners

Utilities

Have they been contacted?  
**Yes or No**

Yes

Yes

Yes

3. Is there a need for a general public information or public involvement plan? **Yes or No**

If yes, please specify and suggest a method to accomplish the plan: ☐ Yes ☒ No

4. Is an enforcement plan needed? **Yes or No** Additional funds needed? **Yes or No**

☐ Yes ☒ No

☐ Yes ☒ No

5. Have all the affected departments been informed about this agenda item? **Yes or No**

☒ Yes ☐ No

**This form must be submitted no later than 6 working days prior to the scheduled meeting. All pertinent paperwork to be distributed to City Council must be attached.**

**ITEMS WILL NOT BE AGENDIZED WITHOUT THIS FORM**

**\*City Staff, please check one box:** Consent ☐ Old Business ☐ New Business ☒ Other/Unknown ☐

**CITY OF SANDPOINT  
AGENDA REPORT**

**DATE:** November 29, 2023

**TO:** Mayor and City Council  
Independent Highway District Board of Commissioners

**FROM:** Amy Tweeten, AICP, City Planner

**SUBJECT:** Vacation of Public Right-of-Way – A public hearing on a request by Bonner County for the vacation of undeveloped right-of-way.

**Request Summary**

The proposed right-of-way vacation would vacate the western-most 164.74 feet of the E. Mountain View Road right-of-way (ROW), a 25-foot-wide ROW. As shown in Figure 1, Bonner County is the adjacent property owner of both sides of the portion of the E. Mountain View ROW to be vacated (indicated in red) and would therefore become the owner of the entire vacated ROW. The ROW vacation would be subject to retention of public and private utility easements, drainage easements, irrigation easements and/or other easements of record or not of record or in use upon or under said described public right of way and or the provisions for relocation or replacement of existing facilities.

**Figure 1 Proposed Right of Way Vacation**



The property to be vacated is legally described as:

A tract of land located in a portion of the northwest quarter of Section 15, Township 57 North, Range 2 West, Boise Meridian, Bonner County, Idaho and more particularly described as follows:

Commencing at the north quarter corner of said Section 15; thence west along the north line of said northwest quarter, a distance of 1102.96 feet to a point; Thence south 00°36'35" west, a distance of 25.00 feet to a point on the south right-of-way of East Mountain View Drive, formerly referred to as Elsasser Road in Quit Claim Deed recorded as Inst. 643319, Bonner Cnty records and the **true point of beginning;**

Thence along said south right-of-way, north 89°46'25" west, 164.74 feet; Thence leaving said south right-of-way, north 00°36'35" east, 24.58 feet to the north line of said northwest quarter of section 15; Thence along said north line, south 89 ° 55'15" east, 164.75 feet;

Thence leaving said north line, south 00°36'35" west, 25.00 feet to the **true point of beginning**, encompassing an area of 4,084 square feet or 0.94 acres.

This public hearing is being held jointly with the Independent Highway District (IHD) in accordance with the Memorandum of Understanding (MOU) dated May 17, 2023, between IHD and the City of Sandpoint (See Attachment 1). The IHD is the legal owner of the public right-of-way, and any vacations require approval of both the District and the City.

#### **Facts and Findings**

1. Staff received an application for the vacation of the above-described right of way from Bonner County, the abutting property owner.
2. The area being proposed for vacation encompasses an area of 4,084 square feet (0.94 acres) and is an unimproved right of way.
3. The property proposed for vacation would be subject to retention of public and private utility easements, drainage easements, irrigation easements and/or other easements of record or not of record or in use upon or under said described public right of way and/or the provisions for relocation or replacement of existing facilities. Costs associated with relocation or replacement of existing easements and facilities shall be borne by the adjacent property owner with approval of the applicable utility of agency.
4. The applicant and adjacent property owner, Bonner County, will utilize the property to further expand the Bonner County Airport.
5. There are no properties that will be without access to a public street because of the proposed vacation and no access to any Federal or State lands or waters will be denied if the request for vacation is approved.
6. The subject portion of right-of-way has not been used by the public nor maintained as a right of way by the public in the previous three (3) years.

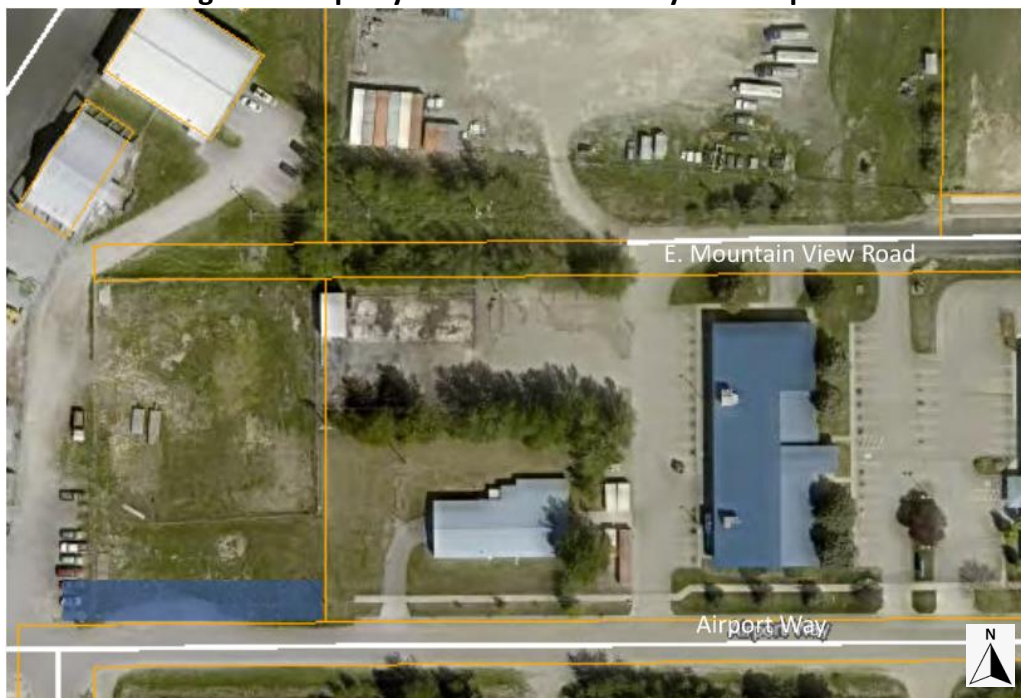
7. Idaho Code §40-203 requires a public hearing to be held and notice to be provided in compliance with §40-203(1)(f), where any person may appear and show cause that the vacation should not occur.
8. Notice of the public hearing was published in the Bonner County Daily Bee on November 14, 21, and 28.
9. On November 3, 2023, a copy of the Notice of Public Hearing and site map were mailed to all abutting property owners, known owners and operators of underground facilities and was posted (see Attachment 5). The notice was also sent to all agencies that are notified of development proposals.

As of the date of this report, no comments have been received. Any comments received before the public hearing will be forwarded to the IHD and City Council.

### **Policy Implications and Fiscal Impact**

Pursuant to Idaho Code §40-203(4)(b), the proposed vacation is of unimproved right of way that Bonner County will replace through the deeding of an equal area of land (4,084 Square Feet, or 0.94 Acres) adjacent to the north Airport Way right of way to the City of Sandpoint, as shown in blue on Figure 2 with additional information provided in Attachment 2. This property would allow for the extension of sidewalk from the City-owned property to the east.

**Figure 2 Property to be deeded to City of Sandpoint**



The property to be deeded to the City of Sandpoint from Bonner County for purposes of right of way is described as:

A TRACT OF LAND LOCATED IN A PORTION OF THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 57 NORTH, RANGE 2 WEST, BOISE MERIDIAN, BONNER COUNTY, IDAHO



AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 15; THENCE WEST ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 1102.96 FEET TO A POINT;

THENCE SOUTH 00°36'35" WEST, A DISTANCE OF 25.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY OF EAST MOUNTAIN VIEW DRIVE, FORMERLY REFERRED TO AS ELSASSER ROAD IN QUIT CLAIM DEED RECORDED AS INST. 643319, BONNER COUNTY RECORDS;

THENCE LEAVING SAID SOUTH RIGHT-OF-WAY, SOUTH 00°36'35" WEST, 246.00 FEET, TO THE NORTH RIGHT-OF-WAY OF AIRPORT WAY, BEING THE TRUE POINT OF BEGINNING;

THENCE ALONG SAID NORTH RIGHT-OF-WAY, NORTH 89°46'25" WEST, 194.48 FEET;

THENCE LEAVING SAID NORTH RIGHT-OF-WAY, NORTH 00°36'35" EAST, 21.00 FEET;

THENCE PARALLEL WITH SAID NORTH RIGHT-OF-WAY, SOUTH 89°46'25" EAST, 194.48 FEET;

THENCE SOUTH 00°36'35" WEST, 21.00 FEET TO THE TRUE POINT OF BEGINNING, ENCOMPASSING AN AREA OF 4,084 SQUARE FEET OR 0.94 ACRES.

### **Recommendation**

The public hearing and the vacation procedures followed current State law and staff recommends that the Independent Highway District Commissioners and Sandpoint City Council approve their respective resolutions, vacating the public right of way described above.

### **Attachments:**

1. MOU between IHD and City
2. Bonner County Resolution authorizing land dedication
3. Record of Survey indicating property to be vacated and deeded from Bonner County to the City of Sandpoint
4. Right of Way Vacation Application
5. Notice of Public Hearing
6. Written Comments- none as of the date of this report
7. Resolution

## Attachment 1:

### Memorandum of Understanding between IHD and City of Sandpoint

No: 23-043  
Date: May 17, 2023

RESOLUTION  
OF THE CITY COUNCIL  
CITY OF SANDPOINT

**TITLE: MEMORANDUM OF UNDERSTANDING WITH INDEPENDENT  
HIGHWAY DISTRICT**

WHEREAS: Based on Idaho Supreme Court rulings, both the City of Sandpoint and the Independent Highway District (IHD) have jurisdiction over public streets within the City;


WHEREAS: Under Resolution No. 17-67, effective October 1, 2017, and pursuant to Idaho Code §§ 40-1310, 40-1323, 40-1333 and 67-2332, along with Idaho Code Title 50, Chapter 3, the City entered into a Memorandum of Understanding (MOU) with IHD to establish responsibilities associated with maintenance and improvements of City streets;

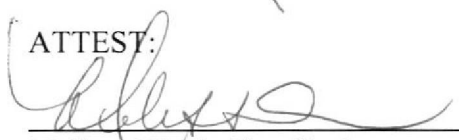
WHEREAS: The term of the MOU was five (5) years, set to expire September 30, 2022, with provisions for negotiation; and

WHEREAS: Following agreed-upon extensions of the prior MOU, the City and IHD have now completed a thorough review and have renegotiated the terms of the new MOU, reflecting a term, with conditions, through September 30, 2027.

NOW, THEREFORE, BE IT RESOLVED THAT Upon review and final approval by the City Attorney, the Memorandum of Understanding with the Independent Highway District, is hereby approved.

BE IT FURTHER RESOLVED THAT: The Mayor or his designee is hereby authorized, on behalf of the City, to execute and enter into the Memorandum of Understanding with the Independent Highway District, as approved and finalized by the City Attorney.

  
\_\_\_\_\_  
Shelby Rognstad, Mayor

ATTEST:  
  
\_\_\_\_\_  
Melissa Ward, City Clerk

## MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING ("MOU") is entered into on the date last signed below between the City of Sandpoint ("City") and the Independent Highway District ("IHD").

### RECITALS

A. IHD is a body corporate and politic of the state of Idaho, operating pursuant to Idaho Code Title 40.

B. City is a body corporate and politic of the state of Idaho, operating pursuant to Idaho Code Title 50.

C. Based upon Idaho Supreme Court rulings, both City and IHD have jurisdiction over public streets within the City.

D. IHD has responsibility for maintaining public roads used by City residents within its district both inside and outside the City, including the Schweitzer area.

E. City receives funds for maintenance and improvement of City streets, including: 1) grants; 2) highway distribution account distributions; 3) the City's statutory fifty percent share of IHD property taxes pursuant to Idaho Code §40-801(1)(a); and 4) property taxes levied by City.

F. IHD receives funds for maintenance of streets within its district including the District's statutory fifty percent share of IHD property taxes pursuant to Idaho Code §40-801(1)(a).

G. For the terms of this MOU, City desires to take responsibility for maintenance and improvement of streets within Sandpoint City limits. City has requested IHD distribute to City a portion of IHD's statutory fifty percent (50%) of property taxes collected by IHD from properties within the City pursuant to Idaho Code §40-801(1)(a).

H. For the term of this MOU, IHD desires that City take responsibility for maintenance and improvement of City streets, in return for which IHD is willing to distribute to the City a portion of the IHD property taxes collected from properties located within the City.

I. City and IHD desire to act in the best interests of their respective residents, voters and taxpayers by acting cooperatively with respect to management of and funding for City streets.

NOW THEREFORE, City and IHD agree as follows:

1. Authority for MOU. This MOU is entered into based on authority granted pursuant to Idaho Code Sections 40-1310, 40-1323 and 40-1333, Idaho Code Title 50, Chapter 3, and Idaho Code Section 67-2332.

2. Term of MOU. It is contemplated that this MOU will be in effect June 1, 2023 to September 30, 2027. Provided, however, not less than one hundred and eighty (180) days prior to the beginning of each fiscal year, written notice of intent to renegotiate or terminate this MOU may be provided by either party to the other party. In such event, if City and IHD cannot agree on new terms of an MOU, this MOU shall be terminated effective the first day of the next fiscal year after such Notice shall have been given.

3. Exercise of Jurisdiction Over City Streets. For the term of this MOU and any renewal periods, City and IHD agree that City shall take the lead in exercising jurisdiction over and maintenance and improvement of City streets. A list of functions and responsibilities is attached here as Attachment 1.

4. IHD Property Tax Levy Distribution to City. Pursuant to Idaho Code Section 40-801(1)(a), City shall receive fifty percent (50%) of the IHD property tax levy proceeds collected from properties located within City, which includes penalties, interest and property taxes paid by the Property Tax Reduction program for qualified property owners. By this MOU, IHD agrees to distribute to City each fiscal year, and any renewal periods, ninety percent (90%) of IHD's fifty percent (50%) of the IHD property tax proceeds collected from properties located within City. Such distribution shall include penalty, interest and property taxes paid by the circuit breaker program for qualified property owners. In return for such distribution to City by IHD, City shall be responsible for maintenance and improvement of streets located within City for the term of this MOU.

5. Cooperation between City and IHD. City and IHD recognize it is in the best interests of their respective constituents to work cooperatively in their exercise of jurisdiction over and maintenance and improvement of streets within the City. To achieve such cooperation, the parties agree:

- a. A meeting of City representatives and IHD representatives shall occur at least quarterly, and more often as may be requested by City or IHD, to consider issues involving transportation projects and public rights-of-way located within City.
- b. Either party may request a joint meeting of the elected officials of both agencies.
- c. The IHD Road Supervisor and the City designated official shall meet as needed to consider issues involving transportation projects and public rights-of-way located within the City.



- d. City and IHD shall obtain the written consent of the other with respect to any decision involving ownership or jurisdiction over any public right-of-way located within the City.
  - e. Any public hearing for the vacation or validation of a public right-of-way located within the City shall be conducted jointly by City and IHD and any associated fees assessed to the benefiting party(ies) shall be agreed to by the City and IHD. Fees collected over and above associated expenses incurred by IHD, such as legal fees and clerical processing, shall be remitted to the City by IHD to be used for right-of-way improvements and maintenance.
  - f. City shall require annexation into IHD as a condition of new annexations into the City.
6. Mutually Advantageous Activities. City and IHD agree to explore mutually advantageous sharing of equipment and materials.
7. Private Roads. This agreement shall not apply to private roads or driveways.
8. Request for Services. Both parties may request services from the other pursuant to Idaho Code Section 40-1333, subject to a mutually acceptable agreement for reimbursement of the cost of providing the requested service(s), and subject to availability of resources.
9. Entire Agreement. This MOU shall constitute the entire agreement between the parties.
10. Modification. This MOU may be modified only upon mutual agreement in writing approved by the governing bodies of both City and IHD.
11. Insurance and Liability. City and IHD shall each maintain their own separate insurance and responsibility for liabilities associated with each entity's own assigned tasks or functions as identified in this MOU.
12. Interpretation. This MOU shall be governed and interpreted by the laws of the State of Idaho.
13. Severability. In the event any provision or section of this MOU conflicts with applicable law, or is otherwise held to be unenforceable, the remaining provisions shall nevertheless be enforceable and carried into effect.
14. No Third-Party Beneficiary. This MOU shall not benefit or create any right or cause of action in or on behalf of any person or legal entity other than the parties hereto.

15. Assignment. Neither party may assign this MOU, or any interest therein, without written consent of the other party; and in the event of assignment, this MOU shall inure to and be binding upon the parties hereto as well as their successors, assigns, departments and agencies.

16. Approval. Each party obtained approval to enter into this MOU by action of its respective governing body and the signatories are authorized to sign this MOU on behalf of the respective party.

CITY OF SANDPOINT

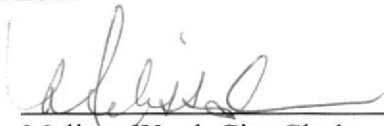
INDEPENDENT HIGHWAY DISTRICT

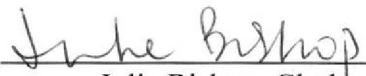
By:  6/15/23  
Shelby Rognstad, Mayor / Date  
Date

By:  106/14/2023  
Melvyn J. Bailey, Chairman  
Board of Commissioners

ATTEST:

ATTEST:

By:  6/15/23  
Melissa Ward, City Clerk / Date  
Date  
City of Sandpoint

By:  06/14/2023  
Julie Bishop, Clerk  
Independent Highway District

## ATTACHMENT 1

### JOINT CITY AND IHD RESPONSIBILITY

Activity	Approval Procedure
Right-of-way vacation	City – IHD Joint Public Hearing and Written Consent as per MOU Section 5d and 5e
Right-of-way acquisition	City shall place on IHD Board agenda for approval/acceptance
Acceptance of new roads for maintenance associated with development by way of final plat acceptance; short plats, lot line adjustments, and records or survey excluded	City shall place on IHD Board agenda for approval/acceptance
New or modified City standards, codes, or policies for construction of sidewalks, streets, approaches, alleys	City shall place on IHD Board agenda for approval/acceptance
Encroachments – Approval of encroachments within the right-of-way	City shall place on IHD Board agenda for approval/acceptance

### CITY RESPONSIBILITY

Activity	Approval Procedure
General street maintenance, including snow removal activities and policy updates or changes, general street maintenance and repairs and construction projects.	City shall coordinate with and update IHD staff of these activities as per Section 5c of the MOU which requires that the IHD Road Supervisor and City Public Works Director meet as needed.  Additionally, City representatives shall attend an IHD Board meeting at least quarterly to provide an update and report on activities.
City Capital Improvement Plan for the construction of new streets, sidewalks or paths within the right-of-way	

## Attachment 2:

# Bonner County Resolution Authorizing Land Dedication



# AIRPORTS

Dave Schuck  
208-255-9179

## AIRPORT ITEM #1

**Meeting Date:** August 15, 2023

### MEMORANDUM

**To:** Commissioners

**Re:** Right of Way Exchange between Bonner County and City of Sandpoint & Independent Highway District

**Description:** Bonner County is requesting to exchange right of ways as described in the attached survey, legal descriptions, and exhibit.

IAW Idaho Code 31-808.9 The board of county commissioners may at their discretion, grant to or exchange with the federal government, the state of Idaho, any political subdivision or taxing district of the state of Idaho... with or without compensation, any real or personal property or any interest in such property owned by the county or acquired by tax deed, after adoption of a resolution by the board of county commissioners that the grant or exchange of property is in the public interest.

The proposed exchange is in the public interest in that it removes a useless city right of way from county property allowing additional public parking at Sandpoint Airport.

I recommend exchanging these rights of way.

**Legal Review:** \_\_\_\_X\_\_\_\_

**Auditing Review:** \_\_\_\_

**Distribution:** Original to BOCC Office; email copy to Airports – Dave Schuck; copy to Auditing

**A suggested motion would be:** Mr. Chairman based on the information before us I move that the County exchange this property as presented.

Recommendation Acceptance: ☒ yes ☐ no

 Date: 08-15-23  
Commissioner Steven Bradshaw, Chairman



## Resolution 63

**WHEREAS**, *Idaho Code* §31-807 vests the Board of County Commissioners with the power and authority to manage real and personal property for the benefit of the County; and

**WHEREAS**, Bonner County owns certain real property described in Exhibit "A" attached hereto and incorporated herein by reference; and

**WHEREAS**, the City of Sandpoint, a municipal corporation of the State of Idaho, owns certain real property described in Exhibit "B" attached hereto and incorporated herein by reference; and

**WHEREAS**, *Idaho Code* §31-808(9) vests the Board of County Commissioners with the power and authority, at its discretion, to grant to or exchange with any political subdivision or taxing district, with or without compensation, any real property owned by the County; and

**WHEREAS**, *Idaho Code* §50-1401 vests the City of Sandpoint with the authority to sell or exchange real property; and

**WHEREAS**, a right-of-way deed exchange is sought by Bonner County and the City of Sandpoint to effect the realignment of the current right-of-way of Airport Way, to the mutual benefit of both parties; and

**NOW THEREFORE, BE IT HEREBY RESOLVED** that the Bonner County Board of Commissioners finds that the right-of-way exchange of the properties identified hereinabove is in the public interest and will benefit the residents of Bonner County.

**BE IT FURTHER RESOLVED** that the Bonner County Board of Commissioners hereby authorizes the right-of-way deed exchange of the above-referenced real properties pursuant to *Idaho Code* §31-808(9).

**BE IT FURTHER RESOLVED** that the Bonner County Board of Commissioners hereby authorizes the execution and recording of a Right-of-Way Warranty Deed evidencing such transfer.

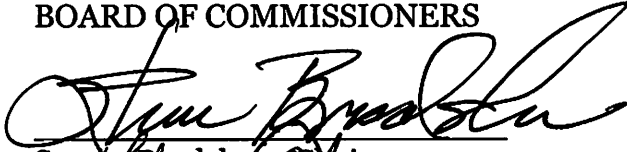
Upon a motion to adopt the text of the foregoing Resolution made by Commissioner Omodt, seconded by Commissioner Williams, the following vote was recorded:

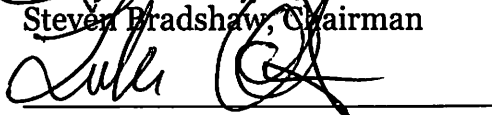
Commissioner Williams: yes  
Commissioner Omodt: yes  
Chairman Bradshaw: yes

Upon said roll call, the text of the foregoing was duly enacted as a Resolution of the Board of Commissioners of Bonner County, Idaho on the 15<sup>th</sup> day of August, 2023.

Dated this 15<sup>th</sup> day of August, 2023.

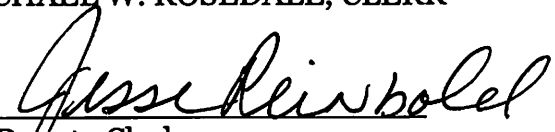
BONNER COUNTY  
BOARD OF COMMISSIONERS

  
Steven Bradshaw, Chairman

  
Luke Omodt, Commissioner

  
Asia Williams, Commissioner

ATTEST:  
MICHAEL W. ROSEDALE, CLERK

By:   
Deputy Clerk

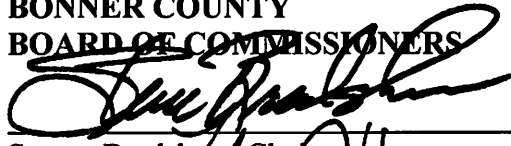
## WARRANTY DEED

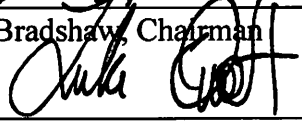
FOR VALUE RECEIVED, BONNER COUNTY, a political subdivision of the State of Idaho, hereinafter referred to as "Grantor," does hereby grant, bargain, sell, warrant and convey unto the CITY OF SANDPOINT, a municipal corporation of the State of Idaho, hereinafter referred to as "Grantee," whose address is 1123 Lake Street, Sandpoint, ID 83864, the real property described in **Exhibit "A"** attached hereto and incorporated by reference herein.

TO HAVE AND TO HOLD the said premises with their appurtenances unto the said grantee, and its heirs, successors and assigns forever.

DATED this 15<sup>th</sup> day of August, 2023.

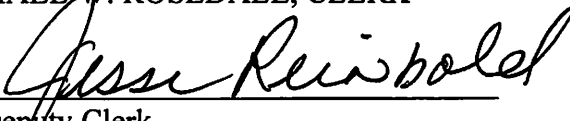
BONNER COUNTY  
BOARD OF COMMISSIONERS

  
\_\_\_\_\_  
Steven Bradshaw, Chairman

  
\_\_\_\_\_  
Luke Omodt, Commissioner

  
\_\_\_\_\_  
Asia Williams, Commissioner

ATTEST:  
MICHAEL W. ROSEDALE, CLERK

By:   
\_\_\_\_\_  
Deputy Clerk

STATE OF IDAHO                    )  
  ) ss.  
COUNTY OF BONNER            )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2023, before me, \_\_\_\_\_,  
a Notary Public in and for the State of Idaho, personally appeared STEVEN BRADSHAW, LUKE  
OMODT, and ASIA WILLIAMS, known or identified to me to be the Board of County  
Commissioners of Bonner County, Idaho that executed the said instrument, and acknowledged to  
me that such Board of County Commissioners of Bonner County, Idaho executed the same.

\_\_\_\_\_  
Notary Public for the State of Idaho  
Residing at: \_\_\_\_\_  
Commission Expires: \_\_\_\_\_

ACCEPTED:  
**CITY OF SANDPOINT.**

\_\_\_\_\_  
Shelby Rognstad, Mayor

ATTEST:

By: \_\_\_\_\_  
Clerk



## GLAHE & ASSOCIATES, Professional Land Surveyors

P.O. Box 1863  
303 Church Street  
Sandpoint, ID 83864

Phone: (208) 265-4474  
Fax: (208) 265-0675  
Website: glaheinc.com

City of Sandpoint  
Road Vacation – 4,084 sq. ft.

Bonner County, Idaho  
Section 15, Township 57 North, Range 2 West, B.M.

A TRACT OF LAND LOCATED IN A PORTION OF THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 57 NORTH, RANGE 2 WEST, BOISE MERIDIAN, BONNER COUNTY, IDAHO AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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Tyson L.A. Glahe,  
PLS

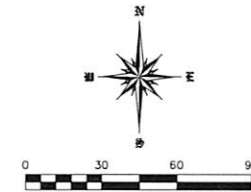
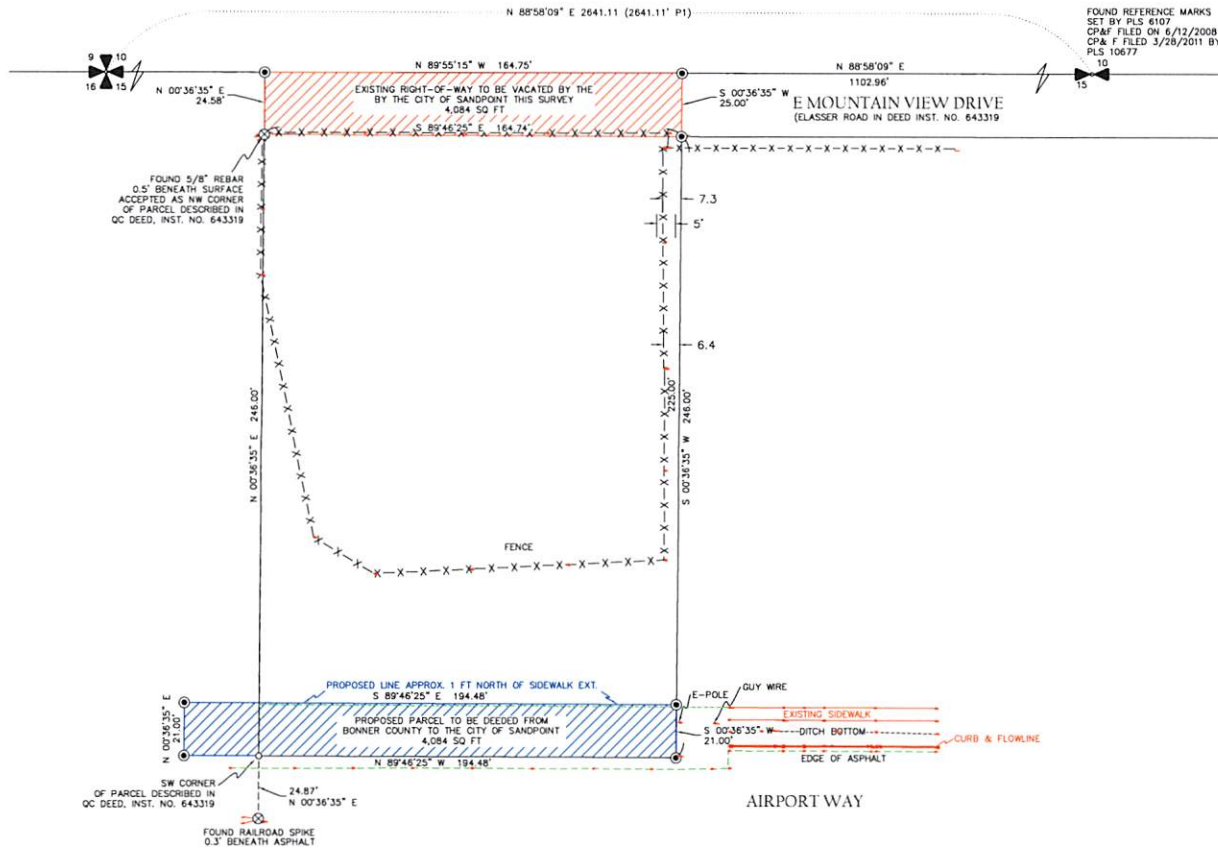
Digitally signed by Tyson L.A.  
Glahe, PLS  
Date: 2023.08.04 08:12:47 -0700





# RECORD OF SURVEY FOR BONNER COUNTY & CITY OF SANDPOINT

LYING IN A PORTION OF THE NORTHWEST QUARTER OF  
SECTION 15, TOWNSHIP 57 NORTH, RANGE 2 WEST,  
BOISE MERIDIAN, BONNER COUNTY, IDAHO



## BASIS OF BEARING

THE BASIS OF BEARINGS FOR THIS SURVEY WAS ESTABLISHED BY GPS CONTROL COORDINATES DERIVED FROM NGS OPUS SOLUTIONS USING A REFERENCE FRAME OF NAD83 (2011) (EPOCH: 2010.000). ALL BEARINGS REFER TO THE IDAHO COORDINATE SYSTEM OF 1983, WEST ZONE, (1103) - US SURVEY FT. REFER TO THE DRAWING FOR SPECIFIC LINE AND MONUMENTS USED.

DISTANCES SHOWN HAVE BEEN CONVERTED FROM GRID TO GROUND USING A COMBINED ADJUSTMENT FACTOR (CAF) OF 1.00012107. GEODETIC NORTH IS AN ANGULAR ROTATION OF -0°36'21" AT THE NORTHEAST CORNER OF THE SUBJECT LOT.

## LEGEND

- SECTIONAL CORNER, AS NOTED.
- SET 5/8" X 24" REBAR AND CAP, PLS 14879
- FOUND MONUMENTATION, AS NOTED.
- CALCULATED POINT, NOTHING SET
- (R1) RECORD OF SURVEY BY PLS 14879, INST. NO. 916022, 12/21/2017.
- (R2) REPLAT OF LOT 2 OF KRAMERS ESTATE SHORT PLAT AS RECORDED IN BK 6 OF PLATS, PG. 189, INS. NO. 607043, 8/19/2002, RECORDS OF BONNER COUNTY, IDAHO.

## METHOD OF SURVEY

THIS SURVEY WAS PERFORMED USING TRIMBLE R10 GNSS RECEIVERS AND THE DATA WAS PROCESSED USING NGS OPUS AND TRIMBLE BUSINESS CENTER. CONVENTIONAL SURVEYING WAS COMPLETED BY CONVENTIONAL AND RADIAL TIE TECHNIQUES USING A NIKON TOTAL STATION.

## RECORDER'S CERTIFICATE

FILED THIS DAY OF 2023, AT O'CLOCK M., AT THE REQUEST OF GLAHE AND ASSOCIATES, INC., AS INSTRUMENT NO.

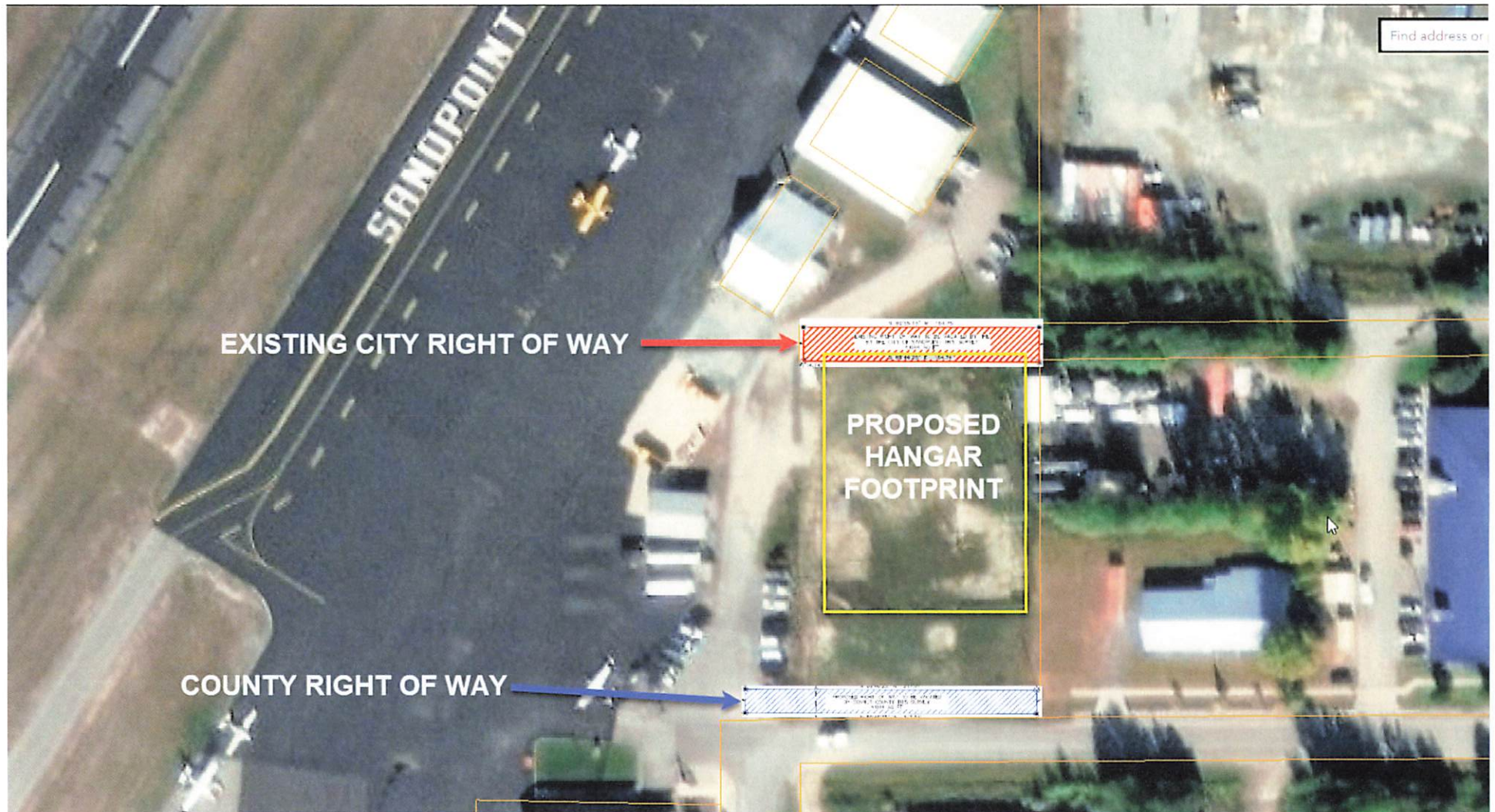
COUNTY RECORDER BY DEPUTY \$ FEE

## SURVEYOR'S CERTIFICATE

I, TYSON L.A. GLAHE, P.L.S. 14879, STATE OF IDAHO, DO HEREBY CERTIFY THAT THIS RECORD OF SURVEY HAS BEEN PREPARED BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH CHAPTER 19, TITLE 55 OF THE IDAHO CODE AND THAT THE MAP SHOWN HEREON IS A TRUE REPRESENTATION OF A SURVEY MADE BY ME.



1/4	Section	Township	Range	MONTANA	IDAHO
15	57	2	N	W	
PROJECT # 22-0004 BONNER COUNTY & CITY OF SANDPOINT					
DRAWING NAME: 22-0004 BONNER COUNTY-CITY SANDPOINT TELLING					
RECORD OF SURVEY FOR BONNER COUNTY & CITY OF SANDPOINT					
GLAHE & ASSOCIATES PROFESSIONAL LAND SURVEYORS					
303 Church Street Sandpoint, Idaho 83864 208-265-4474					
Scale	1"=30'				
Checked By	TLG	Drawn By	TLG		
Plot Date	05/03/2023	Sheet	1 of 1		



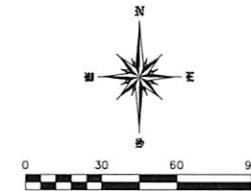
Proposed exchange of right of way. Identical square footage.

## Attachment 3:

Record of Survey Indicating Property  
to be Vacated and Deeded from  
Bonner County to the  
City of Sandpoint



LYING IN A PORTION OF THE NORTHWEST QUARTER OF  
SECTION 15, TOWNSHIP 57 NORTH, RANGE 2 WEST,  
BOISE MERIDIAN, BONNER COUNTY, IDAHO



THE BASIS OF BEARINGS FOR THIS SURVEY WAS ESTABLISHED BY GPS CONTROL COORDINATES DERIVED FROM NGS OPUS SOLUTIONS USING A REFERENCE FRAME OF NAD83 (2011)(EPOCH: 2010.000). ALL BEARINGS REFER TO THE IDAHO COORDINATE SYSTEM OF 1983, WEST ZONE, (1103) - US SURVEY FT. REFER TO THE DRAWING FOR SPECIFIC LINE AND MONUMENTS USED.




*LEGEND*



- #### METHOD OF SURVEY

RECORDER'S CERTIFICATE

COUNTY RECORDER BY DEPUTY \$ FEE

1/A	SECTION	TOWNSHIP	RANGE	MONTANA	IDADO
	15	57 N	2 W		
				OREGON	WASHINGTON

PROJECT # 22-0054 BONNER COUNTY & CITY OF SANDPOINT

DRAWING NAME: 22-0054 BONNER COUNTY & CITY OF SANDPOINT

DRAWING DATE: 22-05-2023

Scale: 1"=30'

Checked by	Drawn by	FLAG
TLAC	TLAC	TLAC

Print Date: 05/23/2023

Sheet: 1 of 1

GLAHE & ASSOCIATES

PROFESSIONAL LAND SURVEYORS

303 Church Street

Sandpoint, Idaho 83864

208-265-4474

Attachment 4:

Right of Way Vacation  
Application





## VACATION OF PUBLIC RIGHT-OF-WAY OR EASEMENT APPLICATION

APPLICANT INFORMATION				
Company: Bonner County				
Contact Name: Dave Schuck, Airport Manager		Phone: 208-265-2266		
Address: 1101 Airport Way		Fax:		
City: Sandpoint	State: ID	Zip: 83864		
Email: dave.schuck@bonnercountyid.gov				
OWNER/DEVELOPER INFORMATION (if other than applicant)				
Contact Name:		Phone:		
Address:		Fax:		
City:	State:	Zip:		
Email:				
VACATION TYPE (check one)				
<input type="checkbox"/> Easement Only	<input type="checkbox"/> Easement and Right-of-Way			
<input checked="" type="checkbox"/> Right-of-Way Only				
General Description of Area to be Vacated (i.e. Street, Alley, Address, Easement Location):				
The western most 164.74 feet of the E. Mountain View Road right-of-way.				
Reason for Vacation:				
The vacation will allow construction of an airport hangar to the south of				
the existing ROW.				

Facilities within the Right-of-way or easement? Please describe all:
Irrigation Facilities:
Sewer:
Water: 6" PVC Water line
Stormwater Drainage: Stormwater Permit 1215
Power:
Telecommunications:
Gas:
Other:

### ADJOINING PROPERTY OWNER CONSENT

List all property owners adjoining or abutting the requested vacation and provide an affidavit of consent to vacate from each impacted owner. Please note that failure to obtain consent from all adjoining owners will increase the time required to process this application and may result in denial of the requested vacation application.

ADJOINING PROPERTY OWNERS	AFFIDAVIT FOR CONSENT ATTACHED?	
	YES	NO

## REQUIRED ATTACHMENTS

<b>1</b>	<b>Narrative:</b> A detailed, written description of the request.
<b>2</b>	<b>Affidavit of Consent to Vacate:</b> To be signed by the property owner(s) for whom this application is made. Affidavits from all other adjoining owners will assist in timely processing of the vacation request.
<b>3</b>	<b>Legal Description &amp; Exhibit:</b> A metes and bounds legal description and scaled drawing prepared by a Professional Land Surveyor licensed in the state of Idaho. The drawing must include right-of-way width and centerline, all existing utilities and easements (including by not limited to sewer, water, storm drainage, power, gas, telecommunication, and gas)
<b>4</b>	<b>Vicinity Map:</b> Please submit a map indicating the area to be vacated and including an area at least 1000' surrounding the proposed vacation.
<b>5</b>	<b>Owner Signature Form:</b> If the applicant is not the adjacent property owner requesting right-of-way vacation, the attached form shall be filled out and signed by property owner giving consent to the applicant.
<b>6</b>	<b>Application Fee:</b> per adopted fee schedule (Major Application; City Council action only)
<b>7</b>	<b>Determination of Value:</b> the applicant shall provide, at the applicant's expense, an appraisal, written by a state licensed appraiser, of the land being vacated, unless otherwise approved by the City.

The City may request additional information in specific circumstances in reviewing the plat.

I hereby certify that all information and attachments submitted herewith are true and correct to the best of my knowledge.

**Dave Schuck** Digitally signed by Dave Schuck  
Date: 2023.09.18 15:00:09 -07'00'

Signature of Applicant

Date

Attachment 5:

Notice of Public Hearing

# AFFIDAVIT OF PUBLICATION

STATE OF IDAHO                    )  
  ) ss.  
County of Bonner                 )

RikkiJade Lindstrom, being first duly sworn on oath, deposes and states:

1. I am a citizen of the United States of America, over the age of 18 years, a resident of the State of Idaho, and am not a party to the proceedings referred to in the attached Legal Notice.

My business address is P.O. Box 159, Sandpoint, Idaho.

2. I am the Legal Clerk of the Bonner County Daily Bee, a newspaper of general publication in Bonner County, Idaho;

3. Said newspaper has been continuously and uninterruptedly published in Bonner County, Idaho during a period of 12 months prior to the first publication of said Notice, and thereafter.

4. The attached Notice was published in the regular and entire issue of the Bonner County Daily Bee for a period of 3 consecutive weeks, commencing on the 14 day of November, 2023, and ending on the 28 day of November, 2023.

RikkiJade Lindstrom

State of Idaho, county of Bonner ss.

On this 28 day of November, in the year of 2023, before me, Angela Minehart, Notary Public, personally appeared RikkiJade Lindstrom known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he/she (or they) executed the same.

Angela Minehart  
Notary Public  
Residing at: Kootenai County

**My Commission Expires 03/20/2029**



### NOTICE OF RESCHEDULED PUBLIC HEARING

Notice is hereby given, that the Board of Commissioners of the Independent Highway District and the City of Sandpoint will hold a joint public hearing on Wednesday, December 6, 2023, at 5:00 p.m. in accordance with the provisions of the Idaho Code 40-203 to receive public testimony and consider Findings of Fact and Conclusions of Law regarding the proposed abandonment and vacation of Public Right-of-Way described as follows:

A tract of land located in a portion of the northwest quarter of Section 15, Township 57 North, Range 2 West, Boise Meridian, Bonner County, Idaho and more particularly described as follows:

Commencing at the north quarter corner of said Section 15; thence west along the north line of said northwest quarter, a distance of 1102.96 feet to a point; Thence south 00°36'35" west, a distance of 25.00 feet to a point on the south right-of-way of East Mountain View Drive, formerly referred to as Elsasser Road in Quit Claim Deed recorded as Inst. 643319, Bonner County records and the **true point of beginning**:

Thence along said south right-of-way, north 89°46'25" west, 164.74 feet; Thence leaving said south right-of-way, north 00°36'35" east, 24.58 feet to the north line of said northwest quarter of section 15; Thence along said north line, south 89°55'15" east, 164.75 feet; Thence leaving said north line, south 00°36'35" west, 25.00 feet to the **true point of beginning**, encompassing an area of 4,084 square feet or 0.94 acres.

Subject to retention of public and private utility easements, drainage easements, irrigation easements and/or other easements of record or not of record or in use upon or under said described public right of way and/or the provisions for relocation or replacement of existing facilities. Costs associated with relocation or replacement of existing easements and facilities shall be borne by the adjacent property owner with approval of the applicable utility of agency.

The property will be vacated to the adjacent property owner, Bonner County.

In-person seating within Council chambers is available on a first-come, first-served basis. The overflow areas outside chambers will accommodate additional participation, with live meeting video and audio provided. For public hearings/public comment periods, those who may not be able to be seated within chambers will be allowed entrance to the room and given the opportunity to speak from the podium during their allotted time.

Copies of the complete files for Case #PVAC23-0001 are available for review online at [www.sandpointidaho.gov/CurrentProjects](http://www.sandpointidaho.gov/CurrentProjects) or at the Sandpoint

Planning and Building office at City Hall (address above), 208-263-3370. Any written testimony to be considered at this meeting must be delivered to City Hall or by email to [cityclerk@sandpointidaho.gov](mailto:cityclerk@sandpointidaho.gov) before 5:00 p.m. on December 1, 2023.

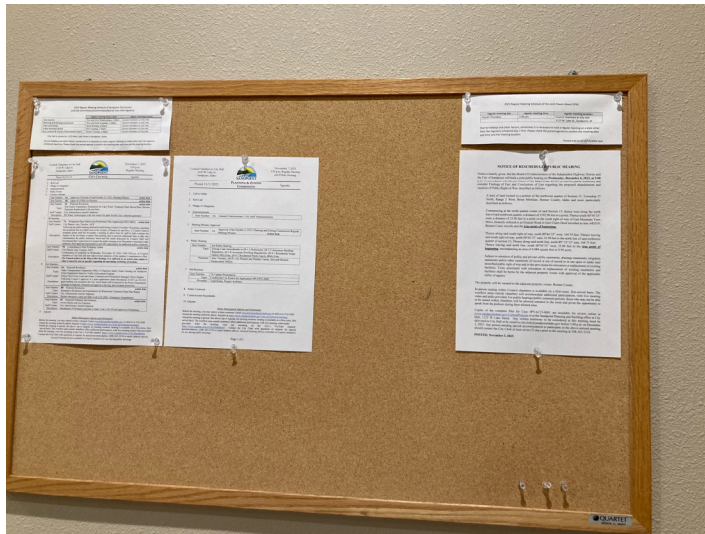
Any person needing special accommodations to participate in the above-noticed meeting should contact the City Clerk at least seven (7) days prior to the meeting at 208-263-3310.

Legal#5713

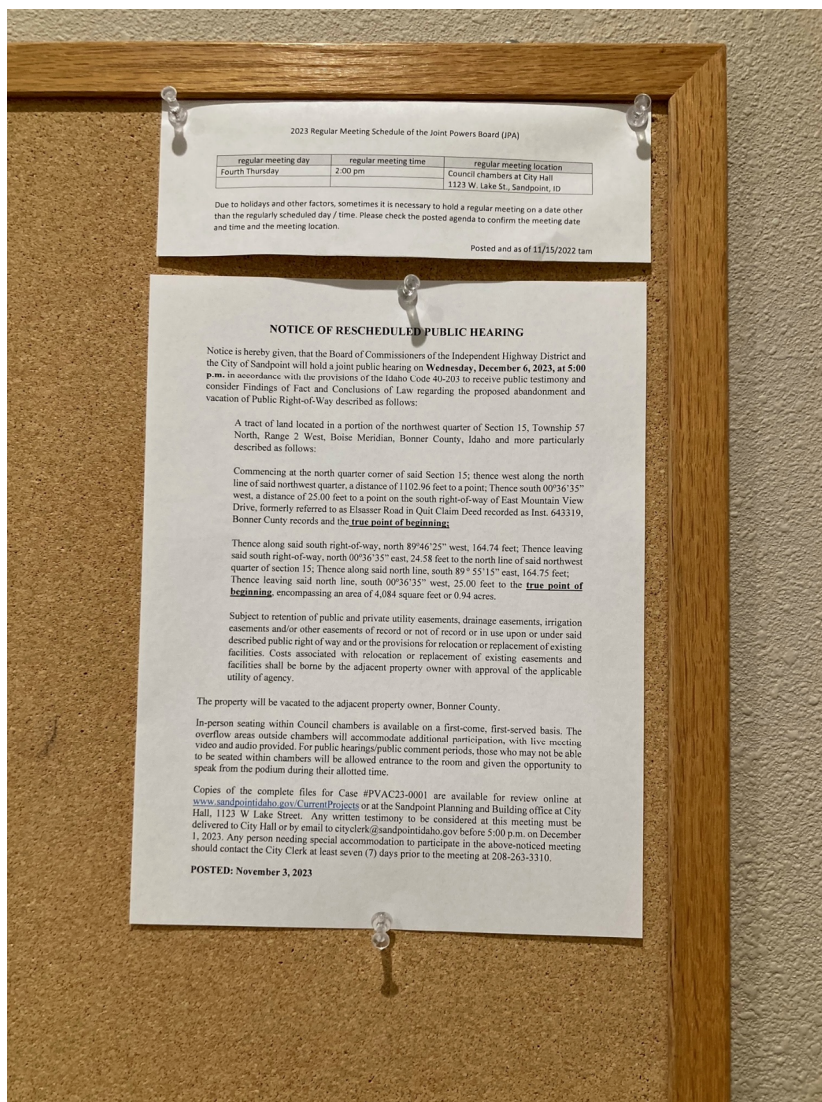
AD#16344

November 14, 21, 28, 2023





Notice posted 11/3/2023 City Hall



AFFIDAVIT OF SERVICE BY MAIL

State of Idaho            )  
                                      )    ss  
County of Bonner        )

Amy Tweeten, being first duly sworn, deposes and states that she is a person over the age of 18 years, is an employee of the City of Sandpoint, is not a party to or interested in the subject matter of the attached letter, and that on the 3<sup>rd</sup> day of November 2023 a true copy of the said letter pertaining to:

Notice of Joint IHD and City Council Rescheduled Public Hearing on  
Application No. PVAC23-0001 – Vacation of a portion of the  
E. Mountain View Road Right-of-Way

---

**See attached.**

---

was deposited in the United States mail at Sandpoint, Idaho, postage prepaid, addressed to:

- **See attached list of abutting property owners and underground utility providers.**

  
\_\_\_\_\_  
Affiant

SUBSCRIBED TO AND SWORN before me, a Notary Public in and for the State of Idaho, on the 3<sup>rd</sup> day of November, 2023.

  
\_\_\_\_\_  
NOTARY PUBLIC - State of Idaho  
My Commission Expires: 01/17/2029





## NOTICE OF PUBLIC HEARING

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Thence along said south right-of-way, north 89°46'25" west, 164.74 feet; Thence leaving said south right-of-way, north 00°36'35" east, 24.58 feet to the north line of said northwest quarter of section 15; Thence along said north line, south 89° 55'15" east, 164.75 feet; Thence leaving said north line, south 00°36'35" west, 25.00 feet to the **true point of beginning**, encompassing an area of 4,084 square feet or 0.94 acres.

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The property will be vacated to the adjacent property owner, Bonner County (see Figure 1 on the following page).

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KSZT LLC  
1101 Airport Way  
Sandpoint, ID 83864

Bonner County  
1500 Highway 2  
Sandpoint, ID 83864

Timberline Helicopters, Inc  
1926 Industrial Drive  
Sandpoint, ID 83864

Avista  
100 N Lincoln  
Sandpoint, ID 83864

City of Sandpoint  
1123 W Lake Street  
Sandpoint, ID 83864

Northern Lights  
Attn: Kristin Mettke  
PO Box 269  
Sagle, ID 83860

Ting  
Attn: Karl  
P.O. Box 15  
Sandpoint, ID 83864

Frontier Communication  
750 Kooteni Cutoff  
Ponderay, ID 83852

Northern Lights  
421 Chevy St  
Sagle, ID 83860

Ting  
1411 N Division Ave Building 2  
Sandpoint, ID 83864

Northland Communications  
509 N Fifth Ave  
Sandpoint, ID 83864

Fatbeam  
2065 W Riverstone Dr. Ste 202  
Coeur d'Alene, ID 83814

Intermax  
7400 Mineral Dr. Ste 300  
Coeur d'Alene, ID 83815

## Amy Tweeten

---

**From:** Amy Tweeten  
**Sent:** Friday, November 3, 2023 2:31 PM  
**To:** Army Corps of Engineers; BC Airport Board; Becky Meyer; BNSF Roadmaster; Bonner County Land Records; Dave Schuck; IDL; ITD D1 Permits; Julie Bishop; Kelly Fisher; Kristie May; Marvin Fenn; Matt Diel, LPOSD; Monaldi, Mary Ann; Monica Carash; Panhandle Health District; Panhandle Health District - Admin; Rob Sherrill; Ryan Kopera; Stacy Simkins; Steve Gill  
**Cc:** Sarah Gilmore  
**Subject:** Notice of Public Hearing on Right-of-Way Vacation (Case #PVAC23-0001)

Notice is hereby given, that the Board of Commissioners of the Independent Highway District and the City of Sandpoint will hold a joint public hearing on Wednesday, December 6, 2023, at 5:00 p.m. in accordance with the provisions of the Idaho Code 40-203 to receive public testimony and consider Findings of Fact and Conclusions of Law regarding the proposed abandonment and vacation of Public Right-of-Way described as follows:

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Thence along said south right-of-way, north 89°46'25" west, 164.74 feet; Thence leaving said south right-of-way, north 00°36'35" east, 24.58 feet to the north line of said northwest quarter of section 15; Thence along said north line, south 89° 55'15" east, 164.75 feet;  
Thence leaving said north line, south 00°36'35" west, 25.00 feet to the **true point of beginning**, encompassing an area of 4,084 square feet or 0.94 acres.

Subject to retention of public and private utility easements, drainage easements, irrigation easements and/or other easements of record or not of record or in use upon or under said described public right of way and/or the provisions for relocation or replacement of existing facilities. Costs associated with relocation or replacement of existing easements and facilities shall be borne by the adjacent property owner with approval of the applicable utility of agency.

The property will be vacated to the adjacent property owner, Bonner County (see Figure below).

Copies of the complete files for Case #PVAC23-0001 are available for review online at [www.sandpointidaho.gov/CurrentProjects](http://www.sandpointidaho.gov/CurrentProjects) or at the Sandpoint Planning and Building office at City Hall (address above), 208-263-3370. Any written testimony to be considered at this meeting must be delivered to City Hall or by email to [cityclerk@sandpointidaho.gov](mailto:cityclerk@sandpointidaho.gov) before 5:00 p.m. on December 1, 2023. Any person needing special accommodation to participate in the above-noticed meeting should contact the City Clerk at least seven (7) days prior to the meeting at 208-263-3310.



Please let me know if you have any questions.

Sincerely,

Amy Tweeten, AICP  
City Planner  
City of Sandpoint | 1123 Lake Street, Sandpoint, ID 83864  
Direct: 208.255.1738 | [atweeten@sandpointidaho.gov](mailto:atweeten@sandpointidaho.gov)



Attachment 6:

Comments Received

**(No Comments Have Been Received  
as of the Date of this Report)**

Attachment 7:

Resolution

No: 23-  
Date: December 6, 2023

RESOLUTION  
OF THE CITY COUNCIL  
CITY OF SANDPOINT

**TITLE: CONSENT TO ABANDONMENT/VACATION OF PUBLIC RIGHT OF WAY**

WHEREAS: Independent Highway District (IHD) owns the public right of way described in Exhibit A (hereinafter “subject public right of way”), which is located within Sandpoint city limits; and

WHEREAS: The City of Sandpoint has entered into a Memorandum of Understanding (MOU) with IHD, where the City maintains the right of way (ROW) within city limits; and

WHEREAS: The Sandpoint City Council, in joint session with the Independent Highway District Board of Commissioners, held a duly noticed public hearing; and

WHEREAS: Following the public hearing, the City does hereby make the following findings of fact and conclusions of law.

**FINDINGS OF FACT:**

1. On August 15, 2023, pursuant to Idaho Code § 31-808(9), Bonner County approved their Resolution #63, authorizing a right of way exchange with the City of Sandpoint, where 4,084 square feet of ROW near Airport Way in Sandpoint will be deeded to the City in exchange for similar-sized vacated ROW owned by IHD and maintained by the City of Sandpoint.
2. The property to be deeded to the City of Sandpoint will be used for frontage improvements on Airport Way at the time of development of the adjacent property.
3. Pursuant to Idaho Code § 40-203, property owners within 300 feet of the subject right of way and all appropriate local agencies and utilities were notified by First Class Mail of the time, date and place of the public hearing, and comments were requested.
4. In accordance with Idaho law, a Notice of Public Hearing was published in the Bonner County Daily Bee, a daily newspaper published in Bonner County, Idaho, and the City’s newspaper of record, on November 14<sup>th</sup>, 21<sup>st</sup> and 28<sup>th</sup>, **2023**.
5. The public hearing was held on December 6, 2023.
6. Any and all comments received are on file in the office of the Sandpoint City Clerk and are included as part of the City staff memo provided for the public hearing.
7. \_\_\_\_\_ testified that the subject public right of way is not providing any public benefit.
8. The transfer of properties is between two political subdivisions of the State of Idaho.



9. The value of the 4,084 square feet of E. Mountain View ROW to be vacated is equivalent to the value of the 4,084 square feet of land to be deeded to the City of Sandpoint from Bonner County for purposes of future right-of-way frontage improvements along Airport Way, consistent with the requirements of Idaho Code § 40-203.
10. Following the public hearing, City Council found the abandonment/vacation was in the public's best interest and voted to recommend to IHD approval of the abandonment/vacation of the subject public right of way.

#### CONCLUSIONS OF LAW:

It is the opinion of the City that the subject public right of way is no longer needed by the City and that it is in the best interest of the public, the adjacent property owners, and the City that abandonment/vacation of the subject public right of way is recommended and that the subject public right of way be abandoned/vacated by the Independent Highway District, subject to:

1. Retention of public and private utility easements, drainage easements, irrigation easements and/or other easements of record or not of record or in use upon or under said described public right of way and/or the provisions for the relocation or replacement of existing facilities.
2. Acceptance of the deeded property from Bonner County to be considered as equivalent to fair market value for the vacated ROW; and
3. Adoption of a resolution by the Independent Highway District, approving abandonment / vacation of the subject public right of way and resolving that the subject public right of way be abandoned/vacated.

NOW, THEREFORE, BE IT RESOLVED THAT: Pursuant to Idaho Code § 40-203 and based upon the preceding findings of fact and conclusions of law, the proposed abandonment/vacation of the subject public right of way by the Independent Highway District is hereby consented to.

BE IT FURTHER RESOLVED THAT: The Independent Highway District is hereby authorized to sign a Resolution vacating the subject public right of way, as well as closing instructions and other instruments and documents as are required by the vacation.

BE IT FURTHER RESOLVED THAT: The subsequent vacating of the right of way shall be subject to retention of public and private utility easements, drainage easements, irrigation easements and/or other easements of record or not of record or in use upon or under said described public right of way and/or the provisions for the relocation or replacement of existing facilities.

BE IT FURTHER RESOLVED THAT: Costs associated with relocation or replacement of existing easements and facilities shall be borne by Petitioners, with approval of the applicable utility or agency.

BE IT FURTHER RESOLVED THAT: Upon acceptance by the City of Sandpoint of the Warranty Deed from Bonner County, the Independent Highway District's Resolution shall be recorded in Bonner County.

ADOPTED AND APPROVED by Sandpoint City Council, following a joint meeting and public hearing with the Independent Highway District on the 6<sup>th</sup> day of December 2023.

---

Shelby Rognstad, Mayor

ATTEST:

---

Melissa Ward, City Clerk

## **EXHIBIT A**

### **Subject Public Right of Way Legal Description:**

A tract of land located in a portion of the northwest quarter of Section 15, Township 57 North, Range 2 West, Boise Meridian, Bonner County, Idaho and more particularly described as follows:

Commencing at the north quarter corner of said Section 15; thence west along the north line of said northwest quarter, a distance of 1102.96 feet to a point; Thence south 00°36'35" west, a distance of 25.00 feet to a point on the south right-of-way of East Mountain View Drive, formerly referred to as Elsasser Road in Quit Claim Deed recorded as Inst. 643319, Bonner County records and the true point of beginning;

Thence along said south right-of-way, north 89°46'25" west, 164.74 feet; Thence leaving said south right-of-way, north 00°36'35" east, 24.58 feet to the north line of said northwest quarter of section 15; Thence along said north line, south 89 ° 55'15" east, 164.75 feet; Thence leaving said north line, south 00°36'35" west, 25.00 feet to the true point of beginning, encompassing an area of 4,084 square feet or 0.94 acres.

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